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**MEMO ENDORSED**

May 20, 2008

**By Facsimile**

Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
300 Quarropas Street, Room 533  
White Plains, NY 10601  
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**Re: Deskovic v. City of Peekskill, et al., No. 07 Civ. 8150 (KMK)**

Dear Judge Karas,

I am one of the attorneys representing plaintiff Jeffrey Deskovic, and I write in response to the May 16, 2008 letter of Assistant Attorney General John Knudsen, which our office received by facsimile yesterday.<sup>1</sup>

Mr. Knudsen's letter renews a prior request by defendant Alan Tweed for leave to file a motion to dismiss the complaint on venue and joinder grounds. Plaintiff respectfully submits that this request is premature in light of the fact that a motion for leave to file an amended complaint was just submitted on Friday, May 16, and is still pending before Your Honor. Particularly given that certain proposed amended allegations pertain to the venue and joinder arguments initially raised by counsel for Mr. Tweed, it would not serve interests of efficiency to permit the filing of a motion to dismiss prior to a decision on the pending motion for leave to amend.

To the extent, however, that the Court does conclude that Mr. Tweed's renewed request should be considered at this time, plaintiff respectfully submits that for the reasons set forth in Nick Brustin's letter of January 14, a motion to dismiss on venue or joinder grounds would be without basis and therefore leave to file such a motion should be denied.

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<sup>1</sup> Leave to fax the instant response was granted by Eric in Your Honor's chambers upon my telephone request on today's date.

Sincerely,



Jennifer E. Laurin

One of the attorneys for Jeffrey Deskovic

cc: (All Via Facsimile)  
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The Court will take up Mr. Tweed's  
concerns and Plaintiff's desire to amend  
the Complaint at the June 2, 2008 conference.

SO ORDERED.



KENNETH M. KARAS U.S.D.J.

5/22/08